IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 22nd day of March, 2005
Bail application No. 240 of 2005
Order on Bail application of accused

CRIMINAL SIDE

Bishan S/o Harmal
R/o Burpur, Nurpur,
Police Station – Jhabrera
District – Haridwar … Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime no. 52 of 2004
U/Ss 147, 148, 149, 302, 506 I.P.C.
Police Station – Jhabrera
District Haridwar

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime no. 52 of 2004, U/Ss 147, 148, 149, 302, 506 I.P.C., Police Station – Jhabrera, District – Hardiwar.

Heard Sri Brij Bhusan Sharma, learned counsel for the applicant, learned Addl. G.A. and perused the record.

According to the prosecution version, there are six accused persons in this case. Eye-witnesses, namely Rajpal and Tejpal have stated in their statement under section 161 Cr.P.C. that Chamman had 'Palkati' in his hand and rest of the accused had stones and 'lathies' on their hands. Perusal of the medical report reveals that there are five injuries on the person of the deceased. Out of which, two injuries may be caused by the 'Palkati'. The F.I.R. itself reveals that the son of the deceased was present at the time of the incident, but he did not come forward to save his father and he also remained at the spot till morning due to fear. The learned counsel for the applicants has contended that the conduct of the son of the deceased is unnatural.

Having considered aforesaid circumstances, I think it is just and proper to release the applicant on bail at this stage.

Let the applicant, Bishan be released on bail on executing personal bond and furnishing two sureties each in the like amount to the satisfaction of A.C.J.M., Roorkee.

(B.C. Kandpal, J.)

March 22, 2005
Shiv